

Maine Revised Statutes
Title 18-A: PROBATE CODE
Article :

§5-526. APPROPRIATE FORUM

(a). A court of this State having jurisdiction under section 5-523 to appoint a guardian or issue a protective order may decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum.

[2011, c. 564, §1 (NEW) .]

(b). If a court of this State declines to exercise its jurisdiction under subsection (a), it shall either:

(1). Dismiss or stay the proceeding; or [2011, c. 564, §1 (NEW) .]

(2). Impose any condition the court considers just and proper, including the condition that a petition for the appointment of a guardian or issuance of a protective order be filed promptly in another state. [2011, c. 564, §1 (NEW) .]

[2011, c. 564, §1 (NEW) .]

(c). In determining whether it is an appropriate forum, the court shall consider all relevant factors, which may include:

(1). Any expressed preference of the respondent; [2011, c. 564, §1 (NEW) .]

(2). Whether abuse, neglect or exploitation of the respondent has occurred or is likely to occur and which state could best protect the respondent from the abuse, neglect or exploitation; [2011, c. 564, §1 (NEW) .]

(3). The length of time the respondent was physically present in or was a legal resident of this State or another state; [2011, c. 564, §1 (NEW) .]

(4). The distance of the respondent from the court in each state; [2011, c. 564, §1 (NEW) .]

(5). The financial circumstances of the respondent's estate; [2011, c. 564, §1 (NEW) .]

(6). The nature and location of the evidence; [2011, c. 564, §1 (NEW) .]

(7). The ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence; [2011, c. 564, §1 (NEW) .]

(8). The familiarity of the court of each state with the facts and issues in the proceeding; and [2011, c. 564, §1 (NEW) .]

(9). If an appointment were made, the court's ability to monitor the conduct of the guardian or conservator. [2011, c. 564, §1 (NEW) .]

[2011, c. 564, §1 (NEW) .]

SECTION HISTORY

2011, c. 564, §1 (NEW) .

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